

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MONRELL D. MURPHY,

Plaintiff,

v.

S. KERN, et al.,

Defendants.

Case No. 2:18-cv-10150-FLA (ADSx)

**ORDER ACCEPTING REPORT AND
RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE
REGARDING PARTIAL MOTION TO
DISMISS [142]**

Pursuant to 28 U.S.C. § 636, the court has reviewed the Partial Motion to Dismiss [Dkt. No. 142] and all applicable pleadings herein, including the Report and Recommendation (“R&R”) dated December 21, 2020 [Dkt. No. 175], Plaintiff’s Objections to the R&R (“Objections”) [Dkt. No. 177], Defendants’ Reply [Dkt. No. 180], and all related documents.

Plaintiff does not provide any specific objections to the Magistrate Judge’s findings regarding the Partial Motion to Dismiss. Plaintiff’s Objections relate to the findings in the R&R regarding the Partial Motion for Summary Judgment only. As

1 Plaintiff provides no specific objections to the findings of the R&R, Plaintiff's Objections
2 are overruled.

3 As such, after thorough analysis and consideration of the applicable Complaint,
4 the Motion to Dismiss and all related filings, the Report and Recommendation,
5 Plaintiff's Objections, and the Reply, the court concurs with and accepts the findings,
6 conclusions, and recommendations of the Magistrate Judge.

7 Accordingly, IT IS HEREBY ORDERED:

- 8 1. The United States Magistrate Judge's Report and Recommendation,
9 [Dkt. No. 175] is accepted;
- 10 2. Defendants' Partial Motion to Dismiss [Dkt. No. 142] is granted in part
11 and denied in part as follows:
 - 12 a. Claim V is dismissed with leave to amend as to defendant Taylor;
 - 13 b. Claim IX is dismissed with leave to amend;
 - 14 c. Claim XI is dismissed with leave to amend as to defendant
15 Williams;
 - 16 d. Defendants' request for qualified immunity is denied without
17 prejudice;
 - 18 e. Plaintiff's suit against Defendants in their official capacities is
19 dismissed without leave to amend; and
 - 20 f. Plaintiff's request for declaratory relief is stricken without leave to
21 amend.

22
23 DATED: March 1, 2021



24 FERNANDO L. AENLLE-ROCHA
United States District Judge